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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,660	03/05/2002	Bruce Hoff	BDI002	7234
28848	7590	03/03/2005	EXAMINER	
TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			ALLEN, MARIANNE P	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20050301

DATE MAILED:

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## Commissioner for Patents

The reply filed on 12/6/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In response to the Requirement for Information mailed 6/4/04, applicant did not provide copies of the three prior art articles identified (see section IV). 37 CFR 1.105 specifically requires copies of references. In addition, applicant concedes that applicant's invention is present in GeneSight 3.0 (see page 3 of response); however, applicant failed to identify the improvement over the prior GeneSight 2.0 release. The Requirement for Information specifically required stating the specific improvements of the subject matter in the claims and indicating the specific elements in the claimed subject matter that provide those improvements and for those claims expressed as means or steps plus function providing the specific page and line numbers within the disclosure which describe the claimed structure and acts. At least claims 1-10 and 28-36 recite "means" in the claims. Applicant's statement on page 4 of the response that "the specification as filed provides an adequate explanation of the claimed invention and its "improvements" over the prior art" is insufficient as the specification as filed does not mention any GeneSight product (either generally or specifically) and the product information provided by applicant does not disclose the features of the software in the same terms as used in the claims. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne P. Allen whose telephone number is 571-272-0712. The examiner can normally be reached on Monday-Thursday, 5:30 am - 1:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, Ph.D., can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Marianne P. Allen  
AU 1631  
ARDIN H. MARSCHEL

SUPERVISORY PATENT EXAMINER